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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,874	06/08/2001	Kenji Ota	500.40197X00	7203

24956 7590 04/22/2005

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EXAMINER

ZHONG, CHAD

ART UNIT PAPER NUMBER

2152

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/875,874	Applicant(s) OTA ET AL.	
	Examiner Chad Zhong	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

1. This action is responsive to communications: Amendment, filed on 12/13/2004. This action has been made final.

Claims 13-14 are presented for examination. In amendment B, filed on 12/13/2004:

claims 1-12 are canceled.

Claims 13-14 are new.

2. It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

Applicant's remarks filed 12/13/04 have been considered but are moot in view at the new grounds of rejection necessitated by Applicant's amendment.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

4. Claims 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by LeBourgeois, US 6,026,166.

5. As per claim 13, LeBourgeois teaches a method to identify a computer system, the method comprising the steps of:

acquiring identification information including a plurality of identification items for identifying an identification target computer system (see for example, Col. 4, lines 2-7; Col. 6, lines 54-57);

comparing the identification items of the acquired identification information to identification items of identification information of identification target computer system registered in advance (Col. 7, lines 20-45);

adding weighting values each representing a difference between a identification item of the acquired identification information and a corresponding identification item of the identification information of the identification target computer systems to obtain a sum value, said weighting values being defined for the identification items respectively (Col. 8, lines 20-40; Col. 12, lines 2-25, note, while Applicant teaches sum of differences, LeBourgeois's system sum up the values between the original hardware configuration and newly acquired information and then take the difference between the sums, finally compare the difference to a threshold, both system achieves mathematical equivalence; i.e. sum of differences achieve the same purpose as difference of sums);

judging, based on the sum value and predetermined threshold value, whether the identification target computer system can be identified (Col. 12, lines 2-25);

concluding that the identification target computer system can be identified when the sum value is smaller than the threshold value (Col. 12, lines 2-25); and

concluding that the identification target computer system cannot be identified when sum value is not smaller than the threshold value (Col. 12, lines 2-25).

6. As per claim 14, LeBourgeois teaches an apparatus to identify a computer, the apparatus comprising:

an identifier registration portion for storing a plurality of identifiers each including a plurality of

identification items for identifying an identification target computer system (see for example, Col. 4, lines 2-7; Col. 6, lines 54-57);

an identifier reception portion for acquiring identification information including a plurality of identification items for identifying an identification target computer system (Col. 6, lines 54-57, wherein the digital signature is stored on the certification server);

a weighting value addition portion for adding weighting values each representing a difference between an identification item of the acquired identification information and a corresponding identification item of the identification information of the identification target computer system to obtain a sum value, the weighting values being defined for the identification items respectively (Col. 8, lines 20-40; Col. 12, lines 2-25; note, while Applicant teaches sum of differences, LeBourgeois's system sum up the values between the original hardware configuration and newly acquired information and then take the difference between the sums, finally compare the difference to a threshold, both system achieves mathematical equivalence; i.e. sum of differences achieve the same purpose as difference of sums);

an identification judgment portion for judging based on the sum value and a predetermined threshold value, whether the identification target computer system can be identified (Col. 12, lines 2-25); and

a conclusion portion for concluding that the identification target computer system can be identified when the sum value is smaller than the threshold value, and concluding that the identification target computer system cannot be identified when the sum value is not smaller than the threshold value (Col. 12, lines 2-25).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reined of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "APPARATUS AND METHOD TO IDENTIFY COMPUTER SYSTEM".

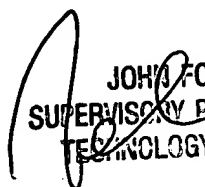
- | | | |
|------|-----------------|-----------------|
| i. | US 2001/0052087 | Garg et al. |
| ii. | US 5,887,140 | Itsumi et al. |
| iii. | US 5,282,506 | Oouchi |
| iv. | US 4,790,005 | Hanselka et al. |
| v. | US 2002/0082967 | Kaminsky et al. |
| vi. | US 6011918 | Cohen et al. |
| vii. | US 6243468 | Pearce et al. |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ
April 13, 2005

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100